

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROBERT MORRIS,	:
	:
Petitioner,	:
	:
v.	:
	:
WARDEN, LEBANON CORRECTIONAL	:
INSTITUTION,	:
	:
Respondent.	:

OPINION AND ORDER

This matter is before the Court on the Magistrate Judge's November 2, 2009 Report and Recommendation (doc. 4). Petitioner filed no objection.

The Magistrate Judge reported Petitioner has failed to comply with the Court's September 22, 2009 Order (doc. 2) that he either pay the \$5.00 filing fee or file a motion for leave to proceed without prepayment of fees within thirty days (doc. 4). As such, the Magistrate Judge recommended the Court dismiss this matter for lack of prosecution (Id.).

Having reviewed this matter the Court finds the Magistrate Judge's Report and Recommendation well taken. Accordingly, the Court ADOPTS and AFFIRMS such Report and Recommendation (doc. 4), and DISMISSES this matter for lack of prosecution. Link v. Wabash R.R., 370 U.S. 626, 630-31 (1962).

SO ORDERED.

Dated: December 8, 2009

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge